



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

JUL 30 2008

David Lewis, President
Polar Industries, Inc.
32 Grammar Avenue
Prospect, CT 06712

Re: Clean Air Act Testing Order, Docket No. AAA-08-0042

Dear Mr. Lewis:

The United States Environmental Protection Agency ("EPA") is issuing this Testing Order for the purpose of evaluating whether Polar Industries, Inc. in Prospect, Connecticut ("Polar") is in compliance with the Clean Air Act (the "Act") and state and federal regulations promulgated under the Act. The regulations include the federally enforceable sections of the Connecticut State Implementation Plan regulations at Section 22a-174-3a of the Regulations of Connecticut State Agencies.

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether a facility is in compliance with the Clean Air Act. This Testing Order ("TO") requires Polar to sample and analyze emissions from its expandable polystyrene ("EPS") process.

Specifically, EPA is ordering Polar to determine the weight percent of pentane in its initial unexpanded EPS beads and the weight percent of pentane in its final foam products by dissolving samples in toluene and then analyzing the solution using gas chromatography ("GC") with flame ionization detection. Polar must use the sampling and analysis procedures outlined in the South Coast Air Quality Management District's ("SCAQMD") Method 306-91 (copy enclosed).

- 1) Polar is required to follow the timeline for testing and reporting outlined below:
 - a. Within seven days of receipt of this TO, contact EPA's Bill Osbahr, at 617-918-8389 to schedule a pre-test conference. At the pre-test conference, EPA will review with Polar the various sampling and analysis procedures to be followed on the date(s) of the tests.
 - b. Within 60 days of receipt of this TO, prepare and mail to EPA a pre-test protocol for testing that meets the test criteria outlined in Appendix I – *Method for*

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Sampling of Expandable Polystyrene for Pentane Analysis – of SCAQMD Method 306-91.

- c. Within 90 days of receipt date of this TO, hold a pre-test conference with EPA, and schedule the testing date(s).
 - d. Within 120 days of receipt of this TO, conduct the tests as described in the protocol.
 - e. Analyze the samples using the laboratory procedures outlined in SCAQMD Method 306-91.
 - f. Within 30 days of completing the tests, submit a complete test report to EPA.
- 2) In accordance with the procedures for sampling and analysis outlined in SCAQMD Method 306-91, Polar is required to conduct the following tests of each different bead type that Polar uses:
- a. Take 3 samples of the unexpanded beads. The unexpanded beads must come from a previously unopened container and the container must not be on-site for more than 14 days.
 - b. Include a diagram showing the location in the container from which each sample of unexpanded beads were taken. All samples must be taken within 5 minutes of opening the container and from at least 6 inches beneath the surface of the beads.
 - c. Analyze the pentane content of each unexpanded bead sample using SCAQMD Method 306-91.
- 3) For each different type of final foam block that Polar produces, in accordance with the procedures for sampling and analysis outlined in SCAQMD Method 306-91, Polar is required to conduct the following sampling and analysis.
- a. Cut the block in the center (to make two rectangular prisms) using a hot wire cutter. Then, use a lab spoon (or similar tool) to extract 3 samples of foam (each approximately 2 inches in diameter) in the following way (see Figure 1):
 - i. The first sample is taken 2 inches below the surface;
 - ii. The second sample is taken 10 inches below the surface; and
 - iii. The third sample is taken 20 inches below the surface.
 - b. This sampling and analysis shall be performed at four different times:
 - i. Immediately after the block is released from the molding machine;
 - ii. 48 hours after the block is released from the molding machine;
 - iii. 7 days after the block is released from the molding machine at approximately the same time of day as the previous sampling; and
 - iv. 14 days after the block is released from the molding machine at approximately the same time of day as the previous sampling.
 - c. Analyze the pentane content of each foam block sample using SCAQMD Method 306-91.

- 4) In addition to the reporting of information required by SCAQMD Method 306-91, the test report must include the following information for each test (note that one test consists of three samples):
- a. The Certificate of Analysis, including lot number and pentane content, from the EPS bead manufacturer;
 - b. Documentation showing the date the EPS beads arrived on-site;
 - c. The measured pentane content of all three samples of initial unexpanded beads;
 - d. The dimensions of the block from which the three samples were taken, and the block density;
 - e. A diagram of the block showing where all three samples were taken; and
 - f. The measured pentane content of all three samples taken from each type of block.
 - g. Documentation of the proper chain of custody for all samples.

Mail the submissions required by this letter to:

Christine Sansevero, Senior Enforcement Coordinator
US EPA Region I
One Congress Street Suite 1100 (SEA)
Boston, Massachusetts 02114

and to:

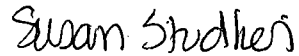
Robert Girard, Assistant Director - Air Enforcement Program
Connecticut Department of Environmental Protection
79 Elm Street
Hartford, CT 06106

Be aware that if Polar does not provide the requested information and conduct the required tests in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

Polar may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R § 2.203(b). Note that certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to Polar. Be aware that Connecticut may have different rules and regulations governing the protection of confidential business information.

If you have any questions regarding this requirement, please contact Senior Enforcement Coordinator Christine Sansevero, at (617) 918-1699, or have your attorney call Senior Enforcement Counsel Thomas T. Olivier, at (617) 918-1737.

Sincerely,

A handwritten signature in cursive script that reads "Susan Studlien".

Susan Studlien, Director
Office of Environmental Stewardship

cc: Robert Girard, CT DEP

Enclosures